

REMARKS/ARGUMENTS

The Examiner is thanked for the opportunity to discuss this application during the Examiner Interview on March 16, 2004. In view of the useful feedback from the Examiner independent claims 1, 12, 20, and 27 have been amended, as agreed upon during the Examiner Interview.

1. Summary of the Office Action

Claims 1-5, 12-14, 20-22, and 27-28 stand rejected under § 102(e) as being anticipated by U.S. Patent No. 6,433,685 (hereinafter "Struble"). Claims 6 and 15 stand rejected under § 103(a) as allegedly being unpatentable over Struble. Claims 7, 16, 23, and 29 stand rejected under § 103(a) as allegedly being unpatentable over Struble in view of U.S. 2002/0174025 A1 (hereinafter "Hind et al."). Claims 8-11, 17-19, 24-26, 30-34 stand rejected under § 103(a) as allegedly being unpatentable over Struble in view of Hind et al. and further in view of U.S. 2002/0054412A1 (hereinafter "Keller et al.").

2. Response to § 112 Rejection

It should be noted that the operative standard for determining whether the definiteness requirement of the relevant statute has been met is "whether those skilled in the art would understand what is claimed when the claim is read in the light of the specification." The Beachcombers Intn'l, inc. v Wilde Wood creative products, Inc., 31 USPQ 2d 1653, 1656 (Fed. Cir. 1994) (citing Orthokinetics, Inc. v Safety Travel Chairs, Inc., 806 F.2nd, 1565, 1 USPQ 2d 1081, 1088 (Fed. Cir. 1986)).

As discussed during the Examiner Interview, the word "independent" and its associated meaning can be found in the specification on page 11. Accordingly, it is submitted that this rejection has been overcome.

3. Response to § 102 Rejections

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As agreed on during the Examiner Interview, independent claims 1, 12, 20, and 27 have been amended to show that the range sensor senses a distance or range. An example of this functionality can be found in Figures 1 to 3 and on pages 6 and 7 of the specification. Further, as agreed, independent claims 1, 12, 20, and 27 have also been amended to include the limitation of "wherein the sensing of when the first device is within the predetermined physical range of the second device is independent of the wireless communication between the first and second wireless interfaces." An example of this functionality can be found in Figures 1 and 2 as well as in the detailed description (e.g. on page 11 describing independent wireless communication arrangements).

In light of the discussion during the Examiner Interview and the accompanying amendments, Applicants respectfully submit that the rejection under 35 U.S.C. § 102 has been also been overcome, and withdrawal of this rejection is therefore respectfully requested.

4. Response to § 103 Rejections

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

In view of the comments above, it is submitted that claims 1, 12, 20, and 27 are allowable. As dependent claims 2-11, 13-19, 21-26, and 28-34 are dependent upon claims 1, 12, 20, and 27, respectively, they are also allowable.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

5. Conclusion

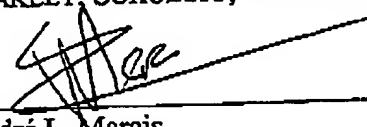
Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,

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